

SCOPING SUMMARY

ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE WELLS, ROCKY REACH, AND ROCK ISLAND HYDROELECTRIC PROJECTS' ANADROMOUS FISH AGREEMENTS AND HABITAT CONSERVATION PLANS (HCPs)

Prepared for

Lead Agency

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Applicants

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LIST OF ACRONYMS

BO	Biological Opinion
CRITFC	Columbia River Inter-Tribal Fish Commission
EIS	Environmental Impact Statement
ESA	Endangered Species Act
ESU	Evolutionarily Significant Unit
FERC	Federal Energy Regulatory Commission
FPA	Federal Power Act
HCP	Habitat Conservation Plan
IA	Implementation Agreement
IPP	Interim Protection Plan
ITP	Incidental Take Permit
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NNI	No Net Impact
NOI	Notice of Intent
NWF	Natural Wildlife Federation
PUD	Public Utility District
QAR	Quantitative Analytical Report
SEPA	State Environmental Policy Act
Tribes	Native American Tribes
USFWS	U.S. Fish and Wildlife Service
WDFW	Washington Department of Fish and Wildlife
WDOE	Washington Department of Ecology

1. INTRODUCTION

Anadromous fish agreements and habitat conservation plans (collectively referred to as HCPs for this report) for the Wells, Rocky Reach and Rock Island dams were developed by the Douglas and Chelan County Public Utility Districts (PUDs) through lengthy negotiations with many of the federal and state resource agencies and Native American Tribes (Tribes). American Rivers also participated in the development of the HCPs. The purpose of developing the HCPs was to ensure protection for five species of anadromous fish in the mid-Columbia River basin while maintaining hydropower production from the three PUD dams. As a federal agency, however, the National Marine Fisheries Service (NMFS) is precluded by law from implementing the actions negotiated during development of the HCPs without first considering their impact on the environment as a whole. The process for considering these impacts has been established in the National Environmental Policy Act (NEPA).

As described in the NEPA procedures, there shall be an early and open process for determining the scope of issues to be addressed as a result of a significant federal action that may affect the environment, and for identifying the significant issues related to a proposed action. This is referred to as the scoping process. The significant federal action currently being considered by the NMFS is implementation of the HCPs. Once the scoping process has identified the issues of concern and possible alternatives to the HCPs, an analysis will be conducted to determine the likely impacts of these actions on the environment. The results of the analysis will be documented in an environmental impact statement (EIS). The information contained in the EIS will then be used by the NMFS (and other federal agencies) to help make decisions that are based on an understanding of the environmental consequences of the proposed action. The Federal Energy Regulatory Commission (FERC) also intends to utilize this EIS for subsequent licensing actions, and the state agencies intend to use the information to satisfy state environmental review requirements.

The HCPs address the protection of specific fish species affected by the Rock Island, Rocky Reach, and Wells hydroelectric projects. Chelan County PUD and Douglas County PUD applied for incidental take permits (ITPs) pursuant to the Endangered Species Act (ESA) for spring, summer, and fall chinook salmon (*Oncorhynchus tshawytscha*), sockeye salmon (*O. nerka*) and steelhead (*O. mykiss*). These species are considered collectively as the Plan Species. Upper Columbia River spring chinook salmon and steelhead are listed under the ESA. Listing Upper Columbia River summer and fall chinook salmon, and Okanogan River and Wenatchee River sockeye salmon under the ESA is not warranted at this time. NMFS has stated that listing of one or more of these species may be reconsidered in the future. In addition, although coho salmon (*O. kisutch*) are covered by the HCPs, no ITP has been sought. Wild coho salmon have been extirpated from the Upper Columbia River basin and are therefore not protected by the ESA.

The PUDs intention in developing the HCPs is to establish a comprehensive approach to protect the Plan Species as affected by project operations. Activities proposed for coverage under the ITPs include operation and maintenance of the Rock Island, Rocky Reach, and Wells hydroelectric projects, in accordance with their FERC licenses (FERC No. 943, 2145, and 2149 respectively), as amended.

Due to the listings of Upper Columbia River spring chinook salmon and steelhead, the PUDs have developed Interim Protection Plans (IPPs) that document the proposed project operations over the next one to two years. The PUDs and FERC are consulting with the NMFS on the IPPs and program operations in the interim period. The NMFS is preparing a separate biological opinion (BO) on the IPPs that will address operations of the dams until implementation of the HCPs has been resolved.

This report summarizes the issues identified by interested parties during the initial scoping meetings for the EIS. The alternatives for the EIS were developed based on the comments received during scoping, and based on internal discussions regarding potential ESA permitting approaches. Each alternative is briefly discussed in Section 9 of this report. A final list of alternatives will be developed following review of this report, and a quantitative analytical analysis will be used to evaluate the final alternatives in a draft EIS. Comments on the draft EIS will then be incorporated into a final EIS that will be distributed by early spring, 2001.

2. SCOPING ACTIVITIES

Public scoping for this project began with publication of the Notice of Intent (NOI) (Appendix A) in the Federal Register on January 6, 1999. Subsequently, a scoping brochure (Appendix B) was distributed to the project mailing list. The mailing list was developed throughout the HCPs development process and contains over 289 individuals, agencies, private business, and environmental organizations (Appendix C). In January 1999, invitations to attend project scoping meetings were also advertised in local newspapers.

Scoping meetings were held on January 20, 1999 in Wenatchee, Washington and on January 21, 1999 in Brewster, Washington. In addition to cooperating agency representatives, nine and 17 individuals signed the attendance lists at the Wenatchee and Brewster meetings, respectively. Verbal comments solicited at the meetings are contained in Appendix D. Written comments were received throughout the scoping period (through February 5, 1999) and are contained in Appendix E. Additional resource agency comments were also received as a result of a scoping and alternatives development meeting held on March 3, 1999. Those comments are contained in Appendix F.

In addition to describing the comments received to date, this report summarizes the significant issues identified by the public and discusses how they will be addressed.

3. OVERVIEW OF COMMENTS RECEIVED

Public comment received to date includes 45 public statements, nine letters, and nine verbal comments from cooperating agencies. The public statements are from those individuals in attendance at the scoping meetings in Wenatchee and Brewster. Written and verbal comments were received from private individuals, businesses, agencies (including cooperating agencies), and environmental groups. Verbal comments were also received from cooperating agencies at a March 3rd meeting. The most cited category of comments concerns environmental protection, followed by ESA compliance and socioeconomics.

The environmental protection concern of greatest importance to the public is anadromous fish. Comments addressing anadromous fish protection are in 33 public statements and seven letters. Concerns regarding “No Surprises” assurances, issuance of ITPs, and compliance with Section 7 of the ESA were mentioned in six letters. Socioeconomic considerations were addressed in three public statements and two letters.

4. CATEGORICAL DESCRIPTION OF COMMENTS

4.1 VERBAL COMMENTS

4.1.1 Agency Coordination

Several commenters mentioned that agency coordination for anadromous fish protection is confusing.

4.1.2 Economic Viability

Two commenters asked if implementation of the Chelan/Douglas HCPs would have any effects on the socioeconomics of surrounding communities. Of particular concern were potential impacts to the recreation industry. One commenter suggested that maps showing sensitive areas be developed. With these maps, areas to avoid for certain activities (i.e., jet skiing and boating) could be delineated. In this way, resources could be protected without entirely eliminating recreation activities that provide income to local communities.

4.1.3 Fish Hatcheries

One commenter asked about the status of fish hatcheries—where fish are released and whether the hatchery facilities and strategies will be modified, as new scientific information on salmonids and the role of fish hatcheries is gained. Another commenter asked if anything was being done to increase the genetic diversity of hatchery fish.

4.1.4 Environmental Protection

One commenter asked if habitat restoration activities would occur in the main streams only or in the smaller tributaries, as well. Another commenter asked if the PUDs are doing anything about bull trout. Likewise, another commenter asked if anything is being done to control nonnative predators. A question about whether the PUDs are considering re-modeling Rock Island and Rocky Reach dams was also asked. One commenter stated that the dams are valuable for flood control and that this control has been important for farmers in the area.

4.1.5 Biological Knowledge

One commenter asked what current research is taking place on dam-related salmon issues.

4.1.6 Cumulative Effects

Several commenters questioned the effect of the dams on anadromous fish, relative to other activities (i.e., ocean conditions, commercial ocean fisheries). One commenter expressed concern

about the level of take of anadromous fish at the dams, given that the dams are at the upper end of the watershed.

4.1.7 Public Education/Involvement

Commenters stated that the agencies do not adequately convey information on HCPs, EISs, and anadromous fish issues to the public.

4.2 WRITTEN COMMENTS

4.2.1 ESA Related—HCPs, ITPs, “No Surprises”, and Section 7 Consultation

American Lands stated that the ITP process should not proceed until “basic, widely recognized, and pervasive flaws in our national HCP/ITP policies are corrected.” The organization stated that, if and when the HCP proceeds, it should address and rectify the role that the dams have played in salmonid habitat degradation, and it should include measures to promote salmonid recovery.

American Lands, Friends of the Wild Swan, Jill McGrath, and David Robinson also stated that the “No Surprises” type guarantees should not be included in the ITP because:

“No Surprises” has already created serious problems for species in the non-federal arena,

ITPs are for non-federal activities only, and FERC relicensing is a federal activity and

“No Surprises” would illegally restrict the ability of FERC and NMFS to comply with Section 7 of the ESA.

For the same three reasons listed above, as well as because “there is no plausible scientific justification for providing dam owners with increased expectations of certainty”, the National Wildlife Federation (NWF) believes that the operation of the dams should be a subject of Section 7 consultation between FERC and NMFS, not the subject of ITP applications. The NWF also stated that if NMFS continues with the HCP process, NMFS should not approve the HCPs without first completing their review of the biological data for fisheries stocks within the mid-Columbia River.

American Lands stated that NMFS’ regulations do not appear to authorize ITPs for threatened anadromous fish and other species under NMFS’ jurisdiction. The organization did not clarify this statement any further.

4.2.2 Agency and Utility Cooperation and Coordination

Okanogan County requested that they be a part of the decision-making process regarding habitat improvements to tributaries in Okanogan County. Salmon recovery efforts should involve coordination among the agencies. The Chelan/Douglas HCPs EIS should address the coordination process.

Puget Sound Energy encouraged NMFS and FERC to work closely with the PUDs and various state agencies, including Washington State Department of Fish and Wildlife (WDFW) and Washington

State Department of Ecology (WDOE) to satisfy both NEPA and State Environmental Policy Act (SEPA) requirements.

4.2.3 Scope of EIS (Baseline Conditions and Geographic Scope)

The NWF stated that the Federal Power Act (FPA) and NEPA obligate the PUDs to incorporate pre-project conditions in the relicensing analysis. The organization stated that the HCPs seem to circumvent these requirements.

4.2.4 Economic Viability

Puget Sound Energy expressed concerns about the effect that the HCPs could have on the cost and availability of power.

4.2.5 Environmental Protection

Lelan Anderson wants to know about the sediment build-up at the dams and if these sediments contain pollutants, and if so, what are the concentrations. Are we creating a hazardous waste site?

4.2.6 Biological Knowledge

Attachments from the American Lands' letter states that identification of species likely to use the project area should be based primarily on field surveys.

4.2.7 Monitoring

The NWF and the tribes stated that NMFS should examine the adequacy of the monitoring and evaluation proposals in the HCPs. How will 2 percent habitat compensation and 7 percent hatchery compensation be measured?

4.2.8 Cumulative Effects

Attachment I of American Lands' letter states that a thorough cumulative effects analysis should be conducted and should address all Federal and non-Federal actions affecting each species and should also address all past, present, and reasonably foreseeable actions across the species' range.

The Okanogan County Water Resources Department stated that the EIS should include discussion regarding the recovery plan for the Upper Columbia Evolutionarily Significant Units (ESU) of steelhead and spring chinook salmon. How will the Chelan/Douglas HCPs mesh with future upper basin HCPs?

4.2.9 Public Education/Involvement

Attachment II of American Lands' letter states that a longer public comment period of at least 60 to 90 days should be provided for review of HCP, Implementation Agreement (IA), and NEPA documents.

4.2.10 Alternatives

American Lands would like an alternative “in which the HCPs, ITPs, and IAs do not include “No Surprises” type guarantees, but rather utilize a clear, up-front discussion of how and when monitoring and adaptive management processes will be used to evaluate, maintain, and improve the HCPs’ performance over time.”

American Lands would also like an alternative that does not involve “taking” imperiled salmonids.

The NWF stated that NEPA requires that the EIS consider a range of alternatives, including dam removal options, drawdown, non-power operations, and continued power operations with additional fish protection measures. In addition, NWF stated that NEPA requires that the no-action alternative address the impacts of a denial of the power licenses.

4.3 COOPERATING AGENCY AND TRIBAL COMMENTS

Cooperating agencies for this project are the following: FERC, U.S. Fish and Wildlife Service (USFWS), and WDFW. The Confederated Tribes of the Colville Indian Reservation (Colville Tribe), the Confederated Tribes and Bands of the Yakama Indian Nation (Yakama Tribe), and the Confederated Tribes of the Umatilla Indian Reservation (Umatilla Tribe) have also been invited to participate in the development of the EIS. Both written and verbal comments were received by the cooperating agencies and participating Tribes.

4.3.1 ESA—No Surprises Policy

The Yakama Tribe and the Umatilla Tribe expressed concern about the “No Surprises” policy. The tribes requested an analysis of the feasibility of the “No Surprises” assurances, especially given the lack of contribution from other “neighbors” to absorb some of the conservation needs, as well as the federal requirement to uphold tribal treaty rights and NMFS’ trust responsibilities under Section 7 of the ESA. The tribes requested an analysis of the consistency of “No Surprises” with NMFS’ and FERC’s responsibility under Section 7, as well as whether “No Surprises” even applies in this case, given the federal nexus.

4.3.2 Tribal Treaty Rights

The Yakama and Umatilla Tribes stated that NMFS has not resolved the issues related to tribal treaty fishing rights, such as the potential prejudice against the tribes posed by “No Surprises”. The tribes expressed their concern that the HCPs and any resulting permits must be consistent with tribal treaty rights.

4.3.3 Relationship to Applicable Laws

The Yakama and Umatilla Tribes, and the Columbia River Inter-Tribal Fish Commission (CRITFC) stated that the EIS should include an explanation of the draft HCPs’ consistency with applicable laws, including the Clean Water Act. The tribes also requested an explanation of how NMFS’ NEPA process will or will not be coordinated with other environmental reviews, including SEPA and FERC’s NEPA process.

4.3.4 Agency Coordination, Cooperation, and Negotiation

The Yakama and Umatilla Tribes (as well as the CRITFC) stated that by refusing to guarantee that the hatchery fish production contemplated by the HCPs will be allowed to continue for the term of the agreement, NMFS undermines the benefits for which the tribes offered consideration. The Yakama and Umatilla Tribes also stated that other measures for which the tribes offered their consideration were not included in the final drafts of the HCPs. At the cooperators meeting, Tim Weaver (Yakama Tribe) asked about the effects of Grant County PUD not being involved and Starla Roels (CRITFC) requested that cooperating agencies be notified in advance regarding distribution of documents for review.

4.3.5 Scope of the EIS (Baseline Conditions and Geographic Scope)

The Yakama and Umatilla Tribes (and CRITFC) stated that NMFS should use the “natural river baseline” when determining the environmental impacts of the ITPs. The tribes also recommended that the geographic scope considered in the HCPs (and EIS) should include the entire mid-Columbia Basin from the Yakima River to Roosevelt Lake.

4.3.6 Economic Viability

The tribes expressed concern that funding for tributary habitat improvements is not adequate, especially given the fact that funds from Grant County PUD are not available.

4.3.7 Fish Hatcheries

The tribes stated that NMFS should provide a detailed evaluation of the adequacy of the proposed hatchery mitigation plan, including how the actual percent compensation will be measured.

4.3.8 Environmental Protection

The Yakama and Umatilla Tribes (and CRITFC) requested that NMFS include all ITP and Plan species (including coho) in NMFS’ analysis, and that lamprey and sturgeon also be addressed. The tribes requested that water quality and quantity, riparian habitat, terrestrial and aquatic wildlife, and tribal cultural resources also be included in the EIS. Other resource concerns that the tribes requested for inclusion in the EIS include mitigation that may be required for non-Plan species and other resources (such as lamprey), as well as the opportunities for and feasibility of coho re-introduction. The tribes are concerned about the potential impacts to fish from measurement/monitoring protocols.

The tribes also requested that the following issues, related to the environmental protection and the time period of the HCPs, be addressed in the EIS:

1. the risks posed by using a variety of assumptions for a 50-year conservation plan,
2. whether a 50-year time period for the HCPs, given the likelihood of changed circumstances and the lack of available options for moving the conservation burden onto another party, is appropriate,

3. the probability of both survival and recovery of the affected salmonids at 24 years and 48 years,
4. the potential impacts on species that could result from the PUDs proposals for meeting applicable survival standards within the first five years, during which time NMFS would not be allowed to prescribe or preempt the PUD plans under the draft HCPs,
5. the adequacy of current mitigation proposals for addressing such impacts, and
6. the impacts on species should the PUDs never reach their survival goals during the term of the proposed agreement.

The tribes want an explanation of the biological basis for 91 percent overall survival requirement, plus 7 percent hatchery mitigation and 2 percent tributary mitigation. They stated that these percentages appear to be only exponentially additive to zero impact on species, not linearly additive to zero impact. The tribes requested that the EIS examine the relationship between the No Net Impact standard and long-term stock viability. They believe that the 95 percent juvenile survival is based on only 95 percent of the run and requested that the EIS analyze whether this ensures a juvenile passage mortality of only 5 percent such that the draft HCPs address full mitigation for take. Also, the EIS should assess impacts to migrating spring chinook, if exempted from the 95 percent survival goal.

At the cooperators meeting, Joe Peone (Colville Tribe) mentioned that Native Americans used the tributary areas in the past. He stated that money should be provided to conduct a cultural resources inventory before habitat improvements are conducted on the tributaries.

4.3.9 Biological Knowledge

The Yakama and Umatilla Tribes (and CRITFC) stated that the draft HCPs suffer from a lack of adequate scientific data about the species being addressed. Data presented in the HCPs are not sufficient to grant ITPs. The tribes stated that NMFS should not make any decisions about the proposed take until NMFS' Quantitative Analytical Report (QAR) is completed. The tribes would like the EIS to include a review and analysis of the biological data underlying the proposed mitigation in the draft HCPs. They requested that a watershed analysis be conducted to determine whether a 2 percent compensation to each Plan species can be obtained from the tributary habitat plan.

4.3.10 Cumulative Effects

The Yakama and Umatilla Tribes (and CRITFC) stated that cumulative effects should address the entire mid-Columbia Basin from the Yakima River to Roosevelt Lake, while also taking into consideration factors for decline throughout the entire life histories of the salmonid species, including effects that may fall outside of the geographic scope. They stated that analysis should also include consideration of cumulative and synergistic impacts from the federal dams on the Columbia River and their relationship to stock restoration and the draft HCPs' requirements and goals.

At the cooperators meeting, Rod Woodin (WDFW) asked about the coordination of this NEPA process with the QAR. He stated that the QAR should be completed before the FEIS is distributed.

Starla Roels stated that the CRITFC requests that a quantitative analysis be included in the EIS, whether or not this analysis is independent from the QAR.

Joe Peone (Colville Tribe) mentioned that salmon protection efforts are being done “backward”. He believes that upstream issues should be addressed. He stated that the whole system needs to be considered. He hopes that the EIS will address the entire system.

4.3.11 Alternatives

The Yakama and Umatilla Tribes (and CRITFC) also stated that dam removal, drawdown, and non-power operations be considered as alternatives. The tribes also requested that the appropriateness of removing these options as potential measures in the HCPs be addressed, especially as related to salmon recovery, the ESA, and treaty rights and trust responsibilities.

At the cooperators meeting, Rod Woodin asked how the no-action alternative is different from the HCP alternative. He stated that the no-action alternative should include re-licensing activities. He also mentioned that the non-HCP action alternatives should include functional goals.

5. COMMENTS REGARDING SPECIFIC DISCIPLINES

5.1 WATER RESOURCES (QUALITY AND QUANTITY)

Lelan Anderson wants to know about the sediment build-up at the dams and if these sediments contain pollutants, and if so, what are the concentrations. Are we creating a hazardous waste site?

The Okanogan Water District stated that tributary improvement activities would directly affect water use in Okanogan County.

One commenter stated that the dams are valuable for flood control and that this control has been important for farmers in the area.

5.2 SOILS AND GEOLOGY

Lelan Anderson is concerned about sediment build-up at dams (see Section 5.1).

5.3 FISHERIES

Several commenters are concerned about the adequacy of the survival standards as well as the feasibility of attaining these goals. Concerns about the effects of “No Surprises” assurance on the long-term maintenance and recovery of anadromous fish stocks were also common. Commenters were concerned about the lack of biological knowledge regarding anadromous fish. How can the PUDs adequately monitor the status of salmon and steelhead stocks?

The Yakama and Umatilla Tribes (and CRITFC) stated that impacts to lamprey may be quite significant, especially if screens are installed, as indicated in the draft HCPs. Screens could result in descaling injuries to fish, especially sockeye. The tribes are also concerned about recruitment failure of white sturgeon in impoundments and reduced gene flow.

Several commenters at the Brewster public meeting questioned the impact of the dams on salmon, relative to ocean fishing and ocean conditions. How do activities at the dam relate to the larger picture of salmon decline and recovery?

The Okanogan Water District stated that tributary improvement activities would directly affect fish resources and salmon restoration efforts in Okanogan County.

5.4 WILDLIFE AND RIPARIAN HABITAT

The tribes requested that impacts to aquatic and terrestrial wildlife be included in the EIS.

5.5 VEGETATION

The tribes requested that impacts to riparian habitat be included in the EIS.

5.6 LAND OWNERSHIP AND USE

The Okanogan Water District stated that tributary improvement activities would directly affect land use in Okanogan County.

Puget Sound Energy stated that the effects of the HCPs on the availability and cost of power should be addressed.

5.7 SOCIOECONOMICS AND RECREATION

Various commenters expressed their concern that implementation of the HCPs would affect the socioeconomic conditions (especially recreation) of surrounding communities.

5.8 CULTURAL RESOURCES

The Yakama and Colville Tribes (and CRITFC) stated that cultural resources should be addressed and that lamprey are particularly important to tribes and tribal culture. The tribes stated that impacts to lamprey may be quite significant, especially if screens are installed, as indicated in the draft HCPs. Rebuilding salmon populations to harvestable levels is a major goal of the tribes. The tribes stated that NMFS should analyze whether the draft HCPs will rebuild the species to sustainable, harvestable populations, in compliance with the tribal treaty rights. They requested that NMFS address the protection and enhancement requirements and other resource requirements that FERC will need to address in its environmental review.

Joe Peone (Colville Tribe) requested that a cultural resources inventory be conducted before habitat improvement projects are implemented.

5.9 DISCIPLINES NOT INCLUDED IN PUBLIC COMMENT

No comments on transportation, visual resources, or aquatic plants were received.

6. COMMENTS ON SPECIFIC AREAS

No comments on specific geographic areas were received.

7. GEOGRAPHIC ORIGIN AND LETTER SPONSOR

A total of nine letters were received from the public. The letters were written by individuals (three letters), environmental organizations (three letters), one commercial business, one local agency, and one tribal commission. All written comments were received by mail to either Parametrix or NMFS. The longest letter received was 12 pages from the CRITFC. Five letters were received from Washington State, two letters were received from Oregon, one letter was received from Montana, and one letter was received from Washington, D.C.

8. ITEMIZATION OF ISSUES

The following issues were identified and obtained from written and oral comments during the public scoping period, comments from the March 3rd cooperating agency meeting, and from review of background information. How the project team will respond to each issue is provided in bold and italics. For specific EIS sections, refer to Appendix H.

8.1 ISSUES TO BE ADDRESSED IN THE EIS

8.1.1 ESA Compliance

- a. *Is applying the No Surprises guarantee to these HCPs consistent with the ESA, specifically section 7(a)(2)? **Explain in Section 1.4.1 (Applicants' Regulatory Framework for Compliance with Environmental Laws) of the EIS.***
- b. *No surprise assurances should be granted for the HCPs. **Explain in Section 1.4.1 (Applicants' Regulatory Framework for Compliance with Environmental Laws) of the EIS.***
- c. *What are the differences, advantages, and disadvantages between Section 7 and Section 10 of the ESA when considering an ITP for the three projects? **Explain in Section 2.2 (Alternatives Considered in Detail) of the EIS.***
- d. *What are the disadvantages of HCP policies? **Explain in Section 2.6 (Comparison of Alternatives by Identified Issue and Resource) of the EIS.***

8.1.2 Anadromous Fish Protection

- a. *What are the potential impacts during the first five years, when NMFS has no control of mitigation measures used? **Explain in Section 4.1.2 (Fisheries Resources) of the EIS.***
- b. *Is the proposed monitoring adequate? **Explain in Section 4.1.2 (Fisheries Resources) of the EIS.***
- c. *What are the potential impacts of measurement/monitoring protocols? **Explain in Section 4.1.2 (Fisheries Resources) of the EIS.***
- d. *What are the impacts of fish screens, especially to lamprey and sockeye? **Explain in Section 4.1.2 (Fisheries Resources) of the EIS.***
- e. *What impacts could occur to the existing fisheries resources if coho are reintroduced to the mid-Columbia? **Explain in Section 4.1.2 (Fisheries Resources) of the EIS.***

- f. *What impacts could occur to the existing salmonid populations if survival goals are not met when the HCP is implemented? **Explain in Section 4.1.2 (Fisheries Resources) of the EIS.***
- g. *What impacts could occur to the existing salmonid populations if survival goals are only met for the middle 95% of the run? **Explain in Section 4.1.2 (Fisheries Resources) of the EIS.***

8.1.3 Economic Viability

- a. *How would implementation of the HCPs affect the cost and availability of power? **Explain in Section 2.5 (Economic Comparisons) of the EIS.***
- b. *Will the tributary plan be able to provide 2% compensation, given lack of funding from Grant County PUD, as well as given the current conditions of the tributaries? **Explain in Section 2.5 (Economic Comparisons) of the EIS.***

8.1.4 Recreation

- a. *How would implementation of the HCPs affect the socioeconomic conditions of surrounding communities, especially recreation-related tourism? **Explain in Section 4.1.7 (Recreation Resources) of the EIS.***

8.1.5 Tribal Treaties/Cultural Resources

- a. *Would the action alternatives comply with tribal treaties? **Explain in Section 1.4.1 (Applicants Regulatory Framework for Compliance with Environmental Laws) of the EIS.***
- b. *What are the potential impacts to cultural resources, especially salmon and lamprey? **Explain in Section 4.1.2 (Fisheries Resources) of the EIS.***
- c. *How will coordination under the Secretarial Order be conducted? **Explain in Section 2.2.2 (Proposed Action) of the EIS.***
- d. *Will the HCPs satisfy the Federal Trust Responsibility? **Explain in Section 2.2.2 (Proposed Action) of the EIS.***

8.1.6 Geology and Water

- a. *Do the dams cause increases in sedimentation, and do the dams input pollutants into the sediment (and water)? **Explain in Section 4.1.1 (Land Features, Geology, and Soils) of the EIS.** How do the dams affect water quality? **Explain in Section 4.1.3 (Water Resources) of the EIS.***
- b. *How will the HCPs affect flood control? **Explain in Section 3.3.1 (Water Quantity) of the EIS.***

- c. Will the HCPs affect water use at the project sites? ***Explain in Section 3.3.1 (Water Quantity) of the EIS.***

8.1.7 Alternatives

- a. Develop alternatives that include dam removal, drawdown, and non-power operations. ***Explain in Section 2.3 (Alternatives Considered but Eliminated) of the EIS.***
- b. Develop an alternative that does not involve the “taking” of imperiled salmonids. ***Explain in Section 2.2 (Alternatives Considered in Detail) of the EIS.***

8.1.8 Baseline Conditions

- a. How will baseline conditions be defined in the analysis? ***Explain in Section 2.2.1 (No-Action Alternative) of the EIS.***

8.1.9 Regulatory Agency Requests

- a. Address agency coordination in the EIS. Both WDFW and WDOE should be involved. ***Explain in Section 1.4.2.3 (Other Federal, State, and Local Requirements) of the EIS.***
- b. Describe SEPA and FERC’s NEPA process in the EIS. ***Explain in Section 1.4.2.3 (Other Federal, State, and Local Requirements) of the EIS.***
- c. In the EIS, discuss the relationship and compliance of the HCPs to other applicable laws and treaties with the tribes. ***Explain in Section 1.4.1 (Applicants Regulatory Framework for Compliance with Environmental Laws) of the EIS.***
- d. How will the Clean Water Act be considered when implementing the HCP? ***Explain in Section 3.3.2 (Water Quality) of the EIS.***

8.1.10 Cumulative Effects

- a. In the EIS, include not only the Projects, but also the entire mid-Columbia Basin, from Yakima River to Roosevelt Lake as the geographic scope. ***Explain in Section 4.2 (Cumulative Effects) of the EIS.***
- b. In the EIS, describe the QAR and cumulative effects. ***Explain in Section 4.2 (Cumulative Effects) of the EIS.***

8.2 OTHER ISSUES

Some of the comments received are either beyond the scope of the project or are observations, opinions, or requests that are not issues for this project.

- a. The availability of biological knowledge is not adequate to grant ITPs. ***This will be determined in NMFS’s Biological Opinion prepared after completion of the EIS.***

- b. Improve and increase education and outreach to the public regarding salmon issues. *This may be a mitigation recommendation.*
- c. Allow a longer public comment period (60 to 90 days, minimum) for review of the HCPs and EIS. *This will be discussed further when the DEIS is ready for publication.*
- d. Can the HCPs insure anadromous fish protection, given future uncertainty regarding anadromous fish status? *To be covered in NMFS's Biological Opinion prepared after completion of the EIS.*
- e. Are the HCP standards adequate, and can the HCPs have a net positive effect on salmon and steelhead recovery, not simply "no net impact"? *To be covered in NMFS's Biological Opinion prepared after completion of the EIS.*

8.3 ISSUES THAT CAN BE ADDRESSED BY DIRECT CORRESPONDENCE WITH COMMENTERS

- 1. Okanogan County's request for inclusion in the decision-making process for habitat improvements will be addressed in a letter to the county from the PUDs.
- 2. Tribal concerns on the hatchery and harvest issues will be addressed in letters to the tribes from NMFS.

9. ALTERNATIVES TO BE DEVELOPED

This section describes the two alternatives that were developed based on review of the scoping comments and on internal discussions regarding potential ESA permitting approaches. The feasibility of alternatives not described in this section will be evaluated during preparation of the EIS and included as either additional alternatives to be analyzed in detail or eliminated from further study. Upper Columbia River steelhead and spring chinook salmon were listed as endangered under the ESA in 1997 and 1998, respectively. FERC is currently consulting with NMFS as required by the FPA, to assess the impacts that operations of the Wells, Rocky Reach and Rock Island dams may have on these species. Therefore, the no-action alternative will include actions that may be necessary to comply with Section 7(a)(2) of the ESA and implementing regulations found at 50 CFR Part 402. Under this alternative, FERC will need to initiate Section 7 consultation in relation to the operations of the three dams with proposed conservation measures.

The intent of the proposed action (Alternative 2) is to provide for the continued operation of the Wells, Rocky Reach, and Rock Island dams in accordance with the terms and conditions of ITPs to be issued pursuant to Section 10(a)(1)(B) of the ESA. Both Alternative 1 and 2 may include a variety of actions that will likely be necessary to reduce the impacts of project operations on ESA-listed salmonids. The HCPs however, also include provisions for the long-term protection and enhancement of migratory salmon not currently listed under the ESA and contain provisions for increasing hatchery supplementation and habitat improvements.

The NMFS will use a quantitative analytical approach (also referred to as the QAR), similar to the approach being developed for analysis of the HCPs' standards, to evaluate the final alternatives selected for the EIS. A more detailed review of the final alternatives will be conducted during this process. The intent of the EIS analysis is to fully develop an information base that will support selection of the final, preferred alternative. The preferred alternative itself will then be subject to a Section 7 consultation as required by the ESA to ensure that the proposed measures are not likely to jeopardize the continued existence and recovery of listed species.

9.1 INITIAL ALTERNATIVE 1 - SECTION 7 (A)(2) CONSULTATION (NO ACTION)

Under this alternative, the FERC will be required to consult with NMFS prior to approving structural or operational modifications at the dams that are intended to conserve the species. Conservation measures will be determined by FERC in consultation with NMFS, and in accordance with applicable standards under the ESA and FPA. Using the best available information regarding project impacts on listed salmon species, NMFS will evaluate current and proposed protection, mitigation, and enhancement measures and provide its opinion on whether additional measures are necessary to increase protection of these species. In the case of the Rocky Reach and Rock Island dams, increased volumes of spill may be required as a means to immediately increase protection for listed salmon at these projects. Long-term measures to be evaluated will be similar to measures identified in the HCPs, although limited to specific dam passage strategies intended to improve the survival of ESA-listed species. Options may include screened juvenile bypass systems, supplemental spill, surface bypass systems, drawdown, adult passage improvements or any other action or combination of actions that has been determined by the FERC, under consultation with NMFS, to improve survival.

The no-action alternative will evaluate the combined impacts of the three projects, allowing recovery measures to be coordinated between projects. It will also evaluate each of the proposed measures (based on performance standards), allowing sufficient monitoring and experimentation to ensure the best possible long-term recovery plan for listed species. An adaptive management approach (using a mechanism similar to that used by the existing Mid-Columbia Coordinating Committee) will be utilized to modify the program, whenever needed, to incorporate newly acquired information.

9.2 INITIAL ALTERNATIVE 2 - SECTION 10 (A)(1)(B) INCIDENTAL TAKE PERMIT APPLICATIONS (HCP) (PROPOSED ACTION)

The proposed action consists of implementing the Wells, Rocky Reach, and Rock Island HCPs as proposed by the PUDs and developed in close coordination with NMFS and many of the interested parties. The HCPs themselves provide opportunities for the PUDs to determine the most appropriate measures necessary to meet the negotiated survival standards during Phase I (through 2002). Under the HCPs, the PUDs will continue to investigate adult passage facility improvements, supplemental spill for juvenile fish passage, turbine unit modifications, alternative juvenile fish bypass systems or any other approach that will result in achieving the negotiated survival standards. In addition, the resource agencies and Tribes will assist in developing study methodologies to analyze each of the proposed measures intended to increase fish survival through the dams, and will annually review the PUD's efforts to ensure that steady progress is being made towards achieving the survival standards for all species.

Under the proposed action, the PUDs have also committed to mitigating mortality incidental to operation of the projects by supporting hatchery programs and habitat improvements with a commitment to No Net Impact (NNI). The NNI objective for all migratory salmonids (regardless of status under the ESA) consists of two components: (1) 91 percent project survival including an independent standard of 95 percent juvenile fish passage survival; and (2) 9 percent compensation provided through hatchery programs (7 percent) and tributary programs (2 percent). These actions are intended to contribute to the rebuilding of tributary habitat production capacity, and to the basic productivity and numerical abundance of mid-Columbia River salmonids.

Due to concerns over the potential negative interactions between hatchery and wild salmon stocks, the artificial production component of the HCPs may not meet the NNI standard under all reasonable scenarios. Analysis of the HCPs will therefore be conducted under two options, (1) supplementation to meet NNI and (2) partial supplementation to a level less than NNI based on recommendations from NMFS.

This proposed action is intended to benefit all migratory salmon species over the long-term through bypass survival measures at the projects themselves, and through hatchery supplementation and habitat improvements. Sufficient monitoring and experimentation will be conducted to ensure the best possible long-term recovery plan for listed species.

10. SUMMARY

Scoping was conducted for the Wells, Rocky Reach, and Rock Island HCPs EIS during winter 1999 to obtain public comment on the proposed project and to assist in developing project alternatives. Two alternatives were then developed by the project team based on the legal actions allowed under the ESA.

As a result of the listings of the Upper Columbia River spring chinook salmon and steelhead and the continuing effects of the projects on these species, the PUDs will be required to obtain incidental take authorization for continuing operations. The ITP can be obtained either under Section 7 or Section 10 of the ESA. The no-action alternative represents Section 7, whereas the proposed action represents Section 10.

An initial comparison of the differences and similarities of the two alternatives is provided in Table 1. The alternatives and possible variations of these alternatives will be developed in further detail during preparation of the draft EIS.

Table 1. Alternative Comparison

Action	Alternative 1 (No-Action)	Alternative 2 (Proposed Action)
ESA Permit	Section 7 (a) (2)	Section 10(a)(1)
Permit Duration	Current license term	50 years
Species Covered	Upper Columbia spring chinook Upper Columbia steelhead	Same as Alternative 1 and additionally includes summer and fall chinook, sockeye salmon, and coho salmon
Protection Measures	Project operational and structural modifications for listed species only	Same as Alternative 1, except includes hatchery supplementation and habitat improvements for all species
Performance Standards	The species' persistence, as listed or as a recovery unit, beyond the conditions leading to its endangerment, with sufficient resilience to allow for the potential recovery from endangerment.	95% survivorship for juvenile salmonids passing through the forebay, dam, and tailrace of each project, 91% overall survivorship for on-site juveniles and adults for each project
Project Lead for Identifying and Implementing Protection Measures	FERC in consultation with NMFS	HCP Coordinating Committee
Protection Measures Location	Area of project including reservoir, dam structures, and tailrace	Same as Alternative 1, and additionally includes Wenatchee, Entiat, Methow, and Okanogan rivers and tributaries, as well as associated hatcheries
Standard of No Net Impact (NNI)	Not applicable	Specified under one option of this alternative. Compensation to obtain NNI includes 7% from hatchery programs and 2% through tributary habitat improvements.
No Surprises Policy	Not Applicable	Applicable

APPENDIX A

**FEDERAL REGISTER NOTICE OF INTENT FOR THE CHELAN/DOUGLAS HCPs EIS
JANUARY 6, 1999**

APPENDIX B

SCOPING BROCHURE FOR THE CHELAN/DOUGLAS HCPs EIS

APPENDIX C

MAILING LIST FOR THE CHELAN/DOUGLAS HCPs EIS

APPENDIX D

COMMENTS RECEIVED DURING PUBLIC SCOPING MEETINGS

Chelan/Douglas HCPs EIS

Verbal Comments Received During Public Scoping Meeting

Wenatchee, Washington—January 20, 1999

1. Where do they get money to build the Wells Dam?
2. What are the federal dams [upstream and downstream of here] doing?
3. Why is fish passage at Chief Jo and Grand Coulee not being addressed?
4. Are there current efforts to study the possibility for getting fish farther upstream in the Columbia River?
5. We see ____% of fish. We don't know if they are salmonids or not. We are interested in looking at passage past Chief Jo. We'd like to study that, but need approval for study.
6. Will habitat restoration be in main streams or smaller tributaries as well?
7. Are there any thoughts about doing anything about nonnative fish predators, because they are affecting salmonids?
8. Regarding the problem of hatchery fish having a limited gene pool, are you making efforts to increase gene pool [genetic diversity]?

Chelan/Douglas HCPs EIS

Verbal Comments Received During Public Scoping Meeting

Brewster, Washington—January 21, 1999

1. What happens after the PUDs receive Incidental Take Permits? Do you need a temporary permit now?
2. What are you doing about bull trout?
3. What is the survivorship at Wells Dam?
4. What is the current rate of take?
5. What is the effect of ocean fishing?
6. What is NMFS doing about promoting research regarding re-directing fish to fish bypass at dams? A few years ago, I proposed a bypass system at Chief Joseph that also involved Foster Creek. Any projects at University of Washington?
7. Can you measure survival within your own project that does not include natural mortality?
8. I fish in Alaska and I have never found steelhead with turbine injuries.
9. Do you think you can meet the HCP standards?
10. Who put in the dams in the first place?
11. Were the dams put in without any foresight about what might happen to the salmon?
12. In 1948, I went through a flood. I saw how these dams are a Godsend because they can control water. They provide security for farmers – a fruit basket for all of us. Cars of the future will be electric. Thank God for the dams!
13. Twelve percent mortality average per project, you mentioned in the [1982-1983] study, yes?
14. Have they done a study about increased gas from dams relative to river turbulence and waterfalls and how this affects fish?
15. I wonder about the Lower-Columbia dams (federal projects), and is their reason to believe that survival in these dams would be different [than the three dams being addressed in the HCPs]?
16. I think the dams are doing a good job, but the fishing industry [he mentioned both U.S. fisheries and international fisheries, as well as the effects of fishnets] is the real problem.

17. Given that we're at the upper end of the watershed, are we going to be starting out at a deficit? I'm concerned about the criteria being used to monitor our success. Also, regarding the Tributary Committee, in selecting projects, Okanogan Co. wants to be involved in the committee because we [Okanogan Co.] will be involved in our own prioritization for our county.
18. I recommend that everyone read two books: Environmental Overkill and The Great Salmon Hoax . . . I think we go overboard [with protection], instead of using plain old common sense.
19. As we learn more through science, can methods change accordingly?
20. Are you considering re-modeling Rocky Reach and Rock Island dams?
21. I don't think dams are the real problem to the fish, because dams have been around for a long time and it seems that fish have only been in trouble in the last 20 years. Indians get ½ of the catch and they just let the fish rot in their trucks.
22. Dating back to 1810, there have been bad runs every few years. Dams have good survival rates going down, but survival upstream [not just over dam, but from the ocean to spawning area] is very bad. This proves the problem is not with the dams. NMFS should know this. We do our part.
23. Have the Indians milked the fish? Can they have a hatchery?
24. Indians in Alaska get 60 percent return (fish catch) of their hatcheries' releases, vs. 6 percent here.
25. Is NMFS going to de-list hatchery steelhead?
26. Does NMFS negotiate with Canada?
27. What are the plans that the Tribes, NMFS, and other agencies have to help fish?
28. Salmon recovery is a government-mandated fact. I don't see how Grand Coulee Dam and the Tribes or other PUDs are involved.
29. Will there be any restrictions on recreation activities in reservoirs? Cities and towns along the reservoirs rely on recreation. We are concerned about anything that may affect our livelihoods. The study at Wells, does it show if boating has impacts to fish? Also, if fish conditions improve, could the HCPs be changed? I understand what you're doing – being proactive so that you can keep the dams going. It is not fair that (recreation and) sports fishermen be restricted, because effects of sports fishing can't be anything relative to the fishing industry. NMFS isn't enforcing regulations on the fishing industry. Our businesses are just as important.
30. How can we achieve salmonid recovery? Is it impossible? Maybe habitat isn't really the issue.

31. What are you doing about slowing down harvest in the ocean, and why are you not enforcing any regulations?
32. OK, so you can't answer our salmon comments here tonight, but you should bring them back to NMFS.
33. You should have people from all divisions of NMFS, not just dams, here. I want to hear about other groups and what they are going to do to help the salmon. I did my part; I lost my livelihood of fishing for steelhead in the Columbia River. You [NMFS] are picking on the dams because the PUDs have money.
34. Are there things we can do to be pro-active? For example, if we map sensitive areas and show what activities are acceptable in different areas at different times of the year (educate people)? In this way, we could still have jet-skiing and boating, for example, but these activities would be restricted (but not eliminated), as necessary. I'm suggesting that we/you do a pro-active approach instead of making us eliminate activities.
35. Logging, cattle, wheat, and the apple industry are not doing well. We're sensitive to recreation, and any way the recreation industry could be affected. We've heard that boating may have an impact on fish.
36. When I was a boy, I used to catch big trout by the coast. I noticed salmon coming up little tributaries. Now, when you release hatchery fish, where do you release them—just in the middle of the river or in the tributaries?
37. Dams aren't the problem. I am concerned that NMFS is strong-arming other nations (Canada and China).

APPENDIX E
WRITTEN COMMENTS RECEIVED

APPENDIX F
COMMENTS RECEIVED DURING THE MARCH 3RD
COOPERATING AGENCY MEETING

Chelan/Douglas HCPs EIS –Cooperating Agencies Comments and Alternative Development Meeting

March 3, 1999

Meeting Notes

1. Rod Woodin (WDFW) mentioned that WDFW may file some additional written comments. Rod asked about the coordination of this NEPA process with the QAR.
2. Joe Peone (Colville) stated that the Colville tribes were involved in a 50-year vision meeting in which meeting participants agreed that we are “doing things all backward” in terms of a process for salmonid protection on the mid-Columbia. Joe stated that we should start with the headwaters/upstream issues, not the reverse. We need to look at the whole system. Joe hopes that the EIS covers the entire system. The tribes are concerned.
3. Joe Peone mentioned that Native Americans used the tributary areas in the past. He stated that money should be provided to conduct an inventory before habitat improvements are done on the tributaries. He also mentioned that some surveys may have already been completed, as part of the Timber, Fish, and Wildlife Agreement.
4. Rod Woodin asked how the no-action alternative is different than the HCPs. He stated that the no-action alternative should include re-licensing activities.
5. Tim Weaver (Yakama) asked, “What is the effect of Grant Co. not being involved?”
6. Rod Woodin stated that the QAR should be completed before the FEIS is distributed.
7. Starla Roels (CRITFC) stated that CRITFC wants a quantitative analysis in the EIS, whether that be from the QAR or independent of the QAR.
8. Rod Woodin mentioned that the non-HCP action alternatives should have functional goals.
9. Starla Roels requested that notices be distributed in advance, indicating that given documents will be distributed for review. In this way, cooperating agencies can be prepared and can arrange their schedules to allow adequate time for review of documents.

APPENDIX G
MEETING NOTES ON REVIEW OF PUBLIC COMMENTS
AND ALTERNATIVE DEVELOPMENT

Chelan/Douglas HCPs EIS – Internal Comment Review and Alternative Development Meeting

March 3, 1999

Meeting Notes

Participants

Steve Landino, NMFS
Jane Banyard, NMFS
Merrill Hathaway, FERC
Jim Hastreiter, FERC
Bob Clubb, Douglas County PUD
Gar Jeffers, Attorney representing Douglas County PUD
Steve Hays, Chelan County PUD
Jeff Osborn, Chelan County PUD
Malcolm McLellan, Attorney representing Chelan County PUD
Jim Vasile, Attorney representing Chelan PUD
Pam Gunther, Parametrix
Julie Grialou, Parametrix
Bob Sullivan, Parametrix

Meeting began with Pam Gunther presenting the agenda, as follows:

Meeting Agenda

- 1) Discussion of primary orientation of comments received
- 2) Primary issue discussion and how issues can be developed into alternatives
 - a) No surprises policy alternative
 - b) Fish—changes in HCP time period, changes in survival standards, NMFS mitigation measure controls, monitoring, fish screens, measuring/monitoring impact protocol, financial contribution
 - c) Economics—cost/power analysis
 - d) Other suggestions
- 3) Other potential issues (refer to Page 10 of the draft Scoping Report)
- 4) Approaches to resolving other issues
- 5) Potential alternatives
- 6) Measurement for these alternatives
- 7) Comment on EIS outline
- 8) Comment on schedule

Discussion of Comments Received

- Tribes' letter:
 - Malcolm McLellan stated that the letter comments (the tribes' letter in particular) are more HCP negotiating items, other than issues for alternative development.
- Pam Gunther mentioned that the tribes discussed the geographic scope issue, and we will need to address this in the EIS.
- We will all be involved with responses to comments, either in the HCP or the EIS. Pam will initially designate who should respond to specific comments.
- ESA compliance issue
 - Steve Landino stated that the PUD FERC re-licensing activities are appropriate activities for Section 10 of the ESA. Also, with submission of the EIS to FERC, informal Section 7 consultation will take place.
- Okanogan County's Request
 - The County is interested in participating on the Tributary Habitat Committee. It was agreed that a party must be a signatory to the HCPs to be involved in this committee. However, Okanogan County can make requests to the committee to fund specific projects. Bob Clubb and Steve Hays will write a letter to Okanogan County in response to their request.
- Request for Analysis of Cost and Availability of Power
 - This will be incorporated in Chapter 2 of the EIS.
- Time period of the HCP
 - 50-years is the negotiated time period. Adaptive management and a system of checks and balances are components of the HCPs. The 50-year time period was selected to coincide with FERC relicensing.
- Merrill Hathaway stated that the action alternatives should not involve different options for standards already negotiated in the HCPs (i.e., time period, survival standards). The alternatives should be different and unique from the HCPs. Others agreed.
- Issue of survival standards, and can the HCPs have a net positive effect?
 - The HCPs are not required to increase species recovery above and beyond no-net impact. NMFS will decide whether the HCPs satisfy the requirements of Sections 10 and 7 of the ESA.

Development of Action Alternatives

- *Alternative 1 No-Action Alternative*
 - This alternative is for current operations, including the two settlement agreements with provisions (i.e., hatcheries to mitigate for loss), Section 7 consultation with FERC, and future uncertainty.
- *Alternative 2 The HCPs*
- *Alternative 3 Mechanical Bypass*
- *Alternative 4 Transportation*
- *Alternative 5 More Spill*
- *Alternative 6 Artificial Supplementation (i.e., hatcheries, rearing channels)*
- *Alternative 7 Non-Power, Drawdown, or Dam Removal*

Relationship of Proposed Action Alternatives to Primary Issues from Public Comments

- **ESA Compliance Issue**
 - NMFS has decided that the use of Section 10 with No Surprises assurances is acceptable in this case. Note that Alternatives #1 and #3-5 respond to public comment for no HCPs.
- **Anadromous Fish Protection and Uncertainty**
 - It was stated that the HCP provisions and adaptive management provide certainty of protection to anadromous fish, to the extent that these fish are affected by the hydroelectric projects.
- **Concerns Regarding the Potential Impacts During the First 5 Years of the HCPs**
 - The PUDs will use adaptive management to determine the best methods to protect fish. The information gathered from their efforts will be useful to the PUDs, NMFS, and FERC. Also, note that, even in the first 5 years of the HCPs, NMFS will have some involvement in the PUDs actions.
- **Concerns About the Adequacy of Monitoring**
 - It was stated that the proposed monitoring in the HCPs is adequate. The HCPs will monitor the status of the fish populations themselves, not simply fish habitat conditions.

- Concerns About the Impacts of Fish Screens

Alternative 5 would not involve screens. Also, fish screens are not proposed in the Wells HCP.

- Concerns About the Potential Impact of Monitoring/Measuring Protocols

- This issue is addressed in the HCPs. The protocols will be subject to review by the HCP committee and NMFS will consider impacts of these protocols in their Section 10c decision.

- Hatchery Issue and Tribal Treaty Rights

- This issue has not been resolved yet. NMFS will be responsible for making a decision on this issue.

- Concerns About the Ability of the Tributary Plan to Provide 2% Compensation, Especially Given Loss of Funding Since Grant County Is No Longer Involved.

- The PUDs mentioned that compensation levels were agreed upon in HCP negotiations. Also during negotiations, it was agreed that it is impossible to measure the compensation level and give a precise number. NMFS and PUDs believe that 2% compensation will occur, given the funding available. Withdraw of Grant County does not affect overall funding, because the funding available without Grant County is still proportional to the level of fish impact.

- Project Boundaries Issue

- The decision was made that project boundaries will involve three tiers: 1) the immediate boundaries of each of the three hydroelectric projects (i.e., forebay, dam, and tailrace, 2) the habitat areas, and 3) the river system.

EIS Outline

Pam Gunther went over the proposed EIS outline. We made the following changes to the outline:

- Only one project Purpose and Need (not one each for the PUDs and NMFS) will be included in the EIS.
- We won't have a separate tribal treaty section. The EIS will state that FERC and NMFS will comply with tribal treaty rights.
- We will have a Cultural Resources section in the EIS. This will be confirmed in discussions with the tribes this afternoon.
- Given the transportation action alternative, we will have a Transportation section in the EIS.

- We will have a separate TES section and a separate Cumulative Effects in the EIS. The alternatives will be compared within each resource.
- A Staff Conclusions section will not be included in the EIS. Neither will a glossary. However, an appendix will be included.
- Pam will make changes to the outline. [The revised outline is in Appendix I of the Scoping Summary.]

Other Items

- Steve Landino previously called the Dept. of Ecology and the EPA, inviting them to this meeting. The Dept. of Ecology is not interested in being involved in the EIS, but the EPA is interested.
- Steve Landino will write a letter to the Dept. of Ecology acknowledging that they are not interested in being a cooperating agency for this NEPA process.

APPENDIX H
EIS OUTLINE

APPENDIX I
EIS SCHEDULE

